

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

IN RE:  
MICHAEL ALLEN CLINE

CASE NO. 17-10008  
CHAPTER 13

Debtor

MOTION TO DISMISS FOR FAILURE TO FILE SCHEDULES, STATEMENT OF  
FINANCIAL AFFAIRS AND CHAPTER 13 PLAN

This day comes the trustee and moves the Court to dismiss the petition herein for the failure of the debtor to file schedules, statement of financial affairs and Chapter 13 Plan.

1. The debtor filed his petition on January 27, 2017. The Clerk's office issued a Notice of Missing Documents on January 30, 2017. Missing documents include the schedules, statement of financial affairs, Means Test, Attorney Disclosure Statement and Chapter 13 Plan.
2. As of the preparation of this motion on March 1, 2017, the debtor has not filed any of the missing documents. In addition, the debtor has not made his first payment which was due on February 27, 2017.
3. 11 U.S.C. 521(i)(1) provides that if the required documents are not filed within 45 days of the filing of the petition, the petition is automatically dismissed. The 45th day will be March 13, 2017. The scheduled meetings of creditors is March 9, 2017.

4. The trustee cannot prepare for nor conduct a meeting of creditors without schedules, statement of financial affairs, means test and plan. Due to the Trustee's attendant at the Region 4 Chapter 13 Trustee's Conference, the trustee will be unable to review any filings by the debtor filed after the filing of this motion and the scheduled meeting of creditors. Should the required documents be filed on or before March 13, 2017, the trustee will continue the meeting of creditors to April 13, 2017, at 9 a.m. but shall request the debtor to file and serve notice of the continued meeting of creditors on the creditor body.

WHEREFORE, the trustee prays that the Court will dismiss the petition herein for failure of the debtor to file the required documents and for failure to commence plan payments.

/s/ Helen M. Morris

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Helen M. Morris, Trustee  
State Bar No. 2637  
Susan Cannon-Ryan, Staff Attorney  
State Bar No. 619  
Chapter 13 Trustee  
P O Box 8535  
South Charleston, WV 25303  
(304)744-6730

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Cline

Motion

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### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true copy of the attached document was served upon the following parties in interest on the date this document was filed with the Court by the method shown below. Service by mailing a true copy via U.S. first class mail with postage pre-paid.

MICHAEL ALLEN CLINE  
PO BOX 70  
PETERSTOWN, WV 24963

Those parties who requested electronic service by filing notice with the clerk's office were served by electronic transmission.

/s/ Helen M. Morris

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Helen M. Morris, Trustee  
State Bar No. 2637  
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